

CARLISLE PLANNING BOARD

MINUTES

APRIL 23, 1990

Present:

George B. Foote, Chairman
Vivian F. Chaput
Sylvia Sillers
Stephen Tobin
Phyllis W. Hughes
Norman S. Lindsay
Elaine H. Olden,
Planner Assistant

Meeting called to order at 8:00 P.M.

MAPC Presentation of Plan 2000

Selectmen Sauer and Raftery and MAPC representative Lois Surgenor joined the Planning Board to hear a presentation by two MAPC planners about Plan 2000, a regional plan being developed by municipal representatives to the Metropolitan Area Planning Council. Joan Blaustein and Joanne Heregel gave a slide presentation and responded to questions about the Plan. They explained that the Plan itself will be published as a pamphlet, and with the background material available in a separate publication.

Mr. Davis joined the meeting during the presentation.

Request for Modification of Approved Hayes Farm Definitive Plan

At 9:15 p.m., representatives of the applicant for the previously-approved Hayes Farm Definitive Plan entitled "Hayes Farm, Carlisle, Mass." for Hayes Farm Partnership, dated June 1, 1989, Rev. Sept. 5, 1989, by Stamski and McNary, Inc., Sheets 1-6, and "Hayes Farm Grading and Drainage Plan," Carlisle & Concord, Mass. (Middlesex County), Prepared For: Hayes Farm Partnership, dated May 24, 1989, Rev. June 21, 1989, Rev. July 28, 1989, Rev. Aug. 9, 1989, Rev. Sept. 5, 1989, Rev. Sept. 19, 1989, Sheet 7, by Stamski and McNary, Inc., appeared before the Board to request modification of the plan approval dated October 11, 1989. Explaining that the Concord Planning Board had rescinded their approval for the subdivision road which was to be the access to the Carlisle development, Attorney Richard Nylen requested an amendment to Condition #4 of the Carlisle approval to permit the Carlisle Planning Board to determine that the road is constructed to its standards. He proposed that the road, to be constructed in an easement over land in Concord from Concord Road to the Carlisle town line, be inspected by the Carlisle

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Planning Board consulting engineer at the applicant's expense.

Mr. Nylen also requested that the October 11, 1989, approval be amended to allow construction of the fire cistern as shown on a previously approved plan entitled "Hayes Farm, Carlisle, Mass., Definitive Plan Prepared For: Carlin Realty Trust" dated August 22, 1986, Revised October 9, 1986, January 12, 1987, and February 18, 1987, by Stamski and McNary, Inc., as an alternative in case the Town of Concord rescinds its permit for a water connection, stating that the specifications of the road at the cistern location are the same on the 1986-87 plan and the 1989 plan.

Mr. Nylen requested that the Board find that the requested amendments do not warrant a public hearing. He reported that he had spoken with Town Counsel concerning the proposed changes and the request to find the changes do not warrant a public hearing, and that Attorney Lane had made no objection to either the changes or the request about a public hearing. Mr. Foote reported that in a telephone conversation with Town Counsel, Attorney Lane had told him that she was preparing a letter to the Board advising substantially as Mr. Nylen reported.

During a discussion of this request, the members considered the issues of significance of the requested changes, the role of public comment on the changes, and the relation between the Concord Planning Board action and the requested Carlisle Planning Board action. Ms. Chaput, Ms. Hughes, Mr. Lindsay, Mr. Davis and Mr. Foote agreed that, because the proposed access was exactly the same as the previously approved access, with only the method of inspection changed, thus giving the Carlisle Planning Board control, the changes did not warrant a public hearing. Ms. Sillers said that, because the Concord Planning Board action may have been because the subdivision plan was ill-considered, the Carlisle Planning Board should receive public comment on the proposed changes. Mr. Tobin said that, because of the amount of public interest surrounding the subdivision, he was troubled by the lack of public notice about the proposed changes. When Mr. Tobin expressed concern about the possibility of a suit challenging the Board's action on the requested changes without a public hearing, Mr. Foote asked if the applicant would be more comfortable with a public hearing. Mr. Nylen responded in the negative. Ms. Chaput said that, although she did not feel a public hearing to be necessary, moving with haste concerned her and she wanted the final amendments reviewed by Town Counsel to insure that the Planning Board is carrying out its responsibilities properly.

On motion by Ms. Hughes seconded by Mr. Lindsay, Ms. Hughes, Mr. Lindsay, Mr. Foote, Ms. Chaput and Mr. Davis voted to find that the proposed changes in the approval dated October 11, 1989, are

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not significant and that therefore a public hearing is not required. Ms. Sillers and Mr. Tobin voted in opposition to the motion.

On motion by Ms. Chaput seconded by Ms. Hughes, Ms. Chaput, Ms. Hughes, Mr. Foote, Mr. Davis, Mr. Lindsay and Mr. Tobin voted to amend the approval dated October 11, 1989, by striking out Condition #4 and replacing it with the following conditions and by adding the following Condition #10, subject to review and approval of the conditions by Town Counsel, and to accept a modified covenant in conformity with the new section 4a of the approval:

4a. Construction of a road in Concord shown as "Hartwell Road" on plans entitled "Lot Layout Plan, Hayes Farm, Concord, Mass.," dated May 24, 1989, and revised through October 24, 1989 (the "Plan"), according to standards defined by the Carlisle Planning Board Rules and Regulations Governing the Subdivision of Land dated January 23, 1989, except where such standards conflict with the specifications explicitly shown on the Plan, in which case the construction shall be pursuant to the Plan; said road to be inspected by the Carlisle Planning Board at the expense of the applicant;

4b. Provision of a covenant running in favor of the Town of Carlisle prohibiting release of any lot for construction prior to completion of the Concord portion of the road shown as "Hartwell Road" on the Plan.

10. If the Fire Protection Services as shown on the Plan are not provided by the Town of Concord, provision of fire protection facilities in accordance with the plan entitled "Hayes Farm, Carlisle, Mass., Definitive Plan Prepared For: Carlin Realty Trust" dated August 22, 1986, Revised October 9, 1986, January 12, 1987, and February 18, 1987, by Stamski and McNary, Inc., with easements required for the operation of said facilities provided to the Homeowners Association as created by the Declaration of Trust dated November 22, 1989, and recorded in the Middlesex North Registry of Deeds at Book 5083, Page 126.

Ms. Sillers voted in opposition to the motion. This matter was concluded at 10:50 p.m.

Approval Not Required Plan - Elisabeth Ridge Road

On motion by Ms. Sillers seconded by Ms. Hughes, the members voted unanimously to endorse a plan entitled "Land Court Plan of Land in Carlisle, Mass. (being a subdivision of Lots 37 & 39, L.C.C. 17797 M) "Approval Under the Subdivision Control Law Not

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Required."

Endorsement of Senkler plans - Curve Street

George Senkler asked the Board to sign the plans for the Common Driveway which was approved at the previous meeting and to initial the previously-endorsed Approval Not Required plans for the same site. After determining that endorsement of the Common Driveway plans was for recording purposes and could be done before the expiration of the appeal period on the Special Permit, the members endorsed those plans. Noting both that initialing the ANR plans was unnecessary and that the engineer who prepared them was concerned that the Registry would not accept them without initials because of a minor change made after the original endorsement, the members decided to accommodate the request in order to eliminate any confusion.

Appreciation to Mr. Davis

On behalf of the Board members, Ms. Chaput expressed appreciation to Mr. Davis for his term of service. Mr. Davis responded that he had found the members to be very professional and had enjoyed working with them.

Minutes

On motion by Ms. Sillers seconded by Mr. Lindsay, the members voted unanimously to approve the minutes of the April 9, 1990, meeting, with the following correction: the vote on the Common Driveway on Curve Street to read "Mr. Foote, Ms. Chaput, Mr. Tobin, Ms. Hughes, and Mr. Lindsay voted in favor of the motion" instead of "seconded the motion."

Bills

The members authorized payment of bills as presented.

Master Plan

Mr. Foote noted that with the conclusion of the income tax preparation which was occupying the members' attention, the Master Plan is now officially "in high gear."

Meeting adjourned at 11:05 P.M.

Respectfully submitted,

Elaine H. Olden
Planner Assistant